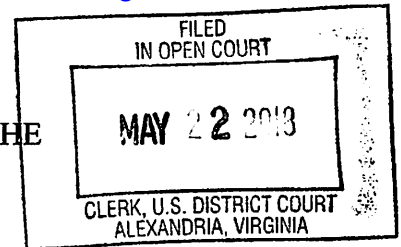


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA

v.

ELMER ZELAYA MARTINEZ,
a/k/a "Killer," "Morenito Martinez,"
and "Danilo Perez,"
(Counts 2 and 3)
ERICK PALACIOS RUIZ,
a/k/a "Cara de Malo," "Erick Torres,"
and "Guanako Ruiz,"
(Counts 2 and 3)
RONALD HERRERA CONTRERAS,
a/k/a "Espeedy," "Speedy,"
"Joster Hrmdz," and "Chucho,"
(Counts 2 and 3)
JOSUE VIGIL MEJIA,
a/k/a "Horror" and "Jose Vigil,"
(Count 2)
HENRY ZELAYA MARTINEZ,
a/k/a "Certero" and "El Kakarra,"
(Count 3)
OSCAR CONTRERAS AGUILAR,
a/k/a "Oscar Contreras" and "Atrevido,"
(Counts 1 and 3)
YONATHAN MELGAR MARTINEZ,
a/k/a "Oso" and "Viejo Oso,"
(Count 3)
PABLO MIGUEL BARRERA VELASCO,
a/k/a "Oscuro,"
(Count 3)
ANDERSON VILLATORO,
a/k/a "Enterrador,"
(Count 3)
FRANCISCO AVILA AVALOS,
a/k/a "Picador" and "Punche,"
(Count 3)
FREDYS BAIREs ABARCA,
a/k/a "Fredys Baires," "Fredys D.
Baires," "Lil Clandestino," and
"Lil Trucha,"
(Count 3)

Defendants.

FILED UNDER SEAL

Criminal No. 1:18CR123-TSE

Count 1: Conspiracy to Commit
Murder in Aid of Racketeering
(18 U.S.C. § 1959(a)(5))

Counts 2 and 3: Conspiracy to Kidnap
(18 U.S.C. § 1201(c))

SUPERSEDING INDICTMENT

May 2018 Term – at Alexandria

THE GRAND JURY CHARGES THAT:

GENERAL ALLEGATIONS

At all times material to this Superseding Indictment:

1. The defendants, ELMER ZELAYA MARTINEZ, a/k/a “Killer,” “Morenito Martinez,” and “Danilo Perez,” ERICK PALACIOS RUIZ, a/k/a “Cara de Malo,” “Erick Torres,” and “Guanako Ruiz,” RONALD HERRERA CONTRERAS, a/k/a “Espeedy,” “Joster Hrndz,” and “Chucho,” JOSUE VIGIL MEJIA, a/k/a “Horror” and “Jose Vigil,” HENRY ZELAYA MARTINEZ, a/k/a “Certero” and “El Kakarra,” OSCAR CONTRERAS AGUILAR, a/k/a “Oscar Contreras” and “Atrevido,” YONATHAN MELGAR MARTINEZ, a/k/a “Oso” and “Viejo Oso,” PABLO MIGUEL BARRERA VELASCO, a/k/a “Oscuro,” ANDERSON VILLATORO, a/k/a “Enterrador,” FRANCISCO AVILA AVALOS, a/k/a “Picador” and “Punche,” and FREDYS BAIRE ABARCA, a/k/a “Fredys Baires,” “Fredys D. Baires,” “Lil Clandestino,” and “Lil Trucha,” were members and associates of La Mara Salvatrucha, also known as “MS-13.” MS-13 is a violent international street gang involved in a variety of criminal activities, including aggravated assault, extortion, abduction, kidnapping, murder, and obstruction of justice, in the Eastern District of Virginia and elsewhere.

2. MS-13 members and associates are located throughout the United States, including Virginia, Maryland, Ohio, Texas, New York, and California. MS-13 also has a large international presence in El Salvador, Guatemala, Honduras, and Mexico. MS-13 recruits members and associates predominantly from the Hispanic community.

3. In order to protect the power, reputation, and territory of MS-13, members and associates are required to use violence, threats of violence, and intimidation. These acts of violence include murder and assault with deadly weapons, including firearms, machetes, and knives. MS-13 members and associates maintain and enhance their status in the gang, and the overall reputation of the gang, by participating in such violent acts.

4. MS-13 recruits are indoctrinated into MS-13 rules, which are ruthlessly enforced. One prominent rule encourages MS-13 members and associates to confront, fight, and kill rival gang members, known as “chavalas.” Another prominent rule requires MS-13 members and associates to identify individuals cooperating with law enforcement authorities. When such individuals are identified, MS-13 members and associates are required to notify senior gang members, who typically order (*i.e.*, “green light”) the killing of the individuals cooperating with law enforcement authorities.

5. MS-13 is organized into local groups known as “cliques” that hold regular meetings to coordinate gang activities. Each clique is run by the senior leader, who is designated the “First Word,” and the second-in-command, who is designated the “Second Word.” The other members and associates of the clique take their orders from the “First Word” or “Second Word.” The leaders of the respective cliques attend larger general meetings to manage gang operations on a regional and international level.

6. MS-13 members must attend clique meetings. At each clique meeting, members are required to pay dues. At times, MS-13 members are also expected to obtain money through illegal means, including, but not limited to, extortion, which is provided to clique leaders. The money is used to finance clique activities, to provide support for clique members who are in jail, and to send money to MS-13 leadership in El Salvador.

7. To promote their gang identity, MS-13 members and associates often wear blue or white clothing, as well as clothing displaying the number “13” or numbers that total 13, such as “76.” MS-13 members and associates also often have tattoos reading “Mara Salvatrucha,” “MS,” or “MS-13,” and mark their territory with graffiti displaying those names and symbols associated with the gang. One such symbol is the MS-13 hand sign, meant to resemble both an inverted “M” and the face of the devil, with outstretched fingers representing devil’s horns. More recently, some MS-13 members have more discreetly and less publicly signified their membership by hiding and avoiding such clothing and tattoos in order to avoid detection by law enforcement. MS-13 members refer to one another by their gang names or other nicknames and may not know fellow gang members except by these gang names.

8. The Park View Locos Salvatrucha, also known as “PVLS,” is an MS-13 clique operating in northern Virginia and elsewhere. The defendants and many of their co-conspirators were members and associates of the PVLS clique of MS-13. Defendant RONALD HERRERA CONTRERAS was a member and associate of the Western Locos Salvatrucha clique of MS-13, but he also associated with the PVLS clique.

The Racketeering Enterprise

9. MS-13, including its leaders, members, and associates, constitutes an enterprise as defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that engages in, and the activities of which affect, interstate and foreign commerce. MS-13 is an ongoing organization whose members and associates function as a continuing unit for a common purpose of achieving the objectives of the enterprise.

Purposes of the Enterprise

10. The purposes of the MS-13 enterprise include the following:

- (a) Preserving, expanding, and protecting the power, territory, and reputation of MS-13 through the use of violence, threats of violence, and intimidation;
- (b) Promoting and enhancing MS-13 and the activities of its members and associates by committing crimes, including but not limited to, murder;
- (c) Keeping victims, potential victims, and community members in fear of MS-13 and its members and associates through violence, threats of violence, and intimidation;
- (d) Confronting and retaliating against rival gangs through the use of violence, threats of violence, and intimidation;
- (e) Assaulting and murdering individuals believed to be cooperating with law enforcement authorities;
- (f) Hindering and obstructing efforts of law enforcement to identify, apprehend, and successfully prosecute offending gang members; and
- (g) Providing financial support and information to MS-13 members, including those incarcerated in the United States and El Salvador.

Means and Methods of the Enterprise

11. Among the means and methods by which MS-13 members and associates conduct and participate in the affairs of the enterprise are the following:

- (a) MS-13 members and associates use violence, threats of violence, and intimidation to preserve, protect, and expand the enterprise's territory and activities and to enhance its prestige, reputation, and position in the community;
- (b) MS-13 members and associates promote a climate of fear through violence, threats of violence, and intimidation;

- (c) MS-13 members and associates use violence, threats of violence, and intimidation to discipline and punish members and associates who violate enterprise rules;
- (d) MS-13 members and associates use telephones to discuss gang-related business and to obtain approval for the use of violence to further the purposes of MS-13; and
- (e) MS-13 members and associates collect dues to send to MS-13 members incarcerated in the United States and El Salvador and to MS-13 leadership in El Salvador, in an effort to provide financial support to the enterprise.

12. MS-13, through its members and associates, engages in racketeering activity as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), that is, acts involving murder and extortion, in violation of the laws of the Commonwealth of Virginia; acts indictable under Title 18, United States Code, Sections 1503 (obstruction of justice), 1512 (witness tampering) and 1591 (sex trafficking); and offenses involving drug trafficking, in violation of Title 21, United States Code, Sections 841 and 846.

COUNT ONE

(Conspiracy to Commit Murder in Aid of Racketeering)

THE GRAND JURY FURTHER CHARGES THAT:

The GENERAL ALLEGATIONS of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

In and around September 2016, in Fairfax County, Virginia, in Fairfax County, Virginia, within the Eastern District of Virginia, and elsewhere, for the purpose of gaining entrance to and maintaining and increasing position in MS-13, an enterprise engaged in racketeering activity, defendant OSCAR CONTRERAS AGUILAR, a/k/a “Oscar Contreras” and “Atrevido,” did knowingly and intentionally combine, conspire, confederate, and agree with others, known and unknown to the grand jury, to murder S.A.A.T., in violation of the laws of the Commonwealth of Virginia, specifically, Va. Code Ann. §§ 18.2-22 and 18.2-32.

(In violation of Title 18, United States Code, Section 1959(a)(5).)

COUNT TWO

(Conspiracy to Commit Kidnapping)

THE GRAND JURY FURTHER CHARGES THAT:

The GENERAL ALLEGATIONS of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

In and around August 2016, in Fairfax County, Virginia, within the Eastern District of Virginia, and elsewhere, defendants ELMER ZELAYA MARTINEZ, a/k/a “Killer,” “Morenito Martinez,” and “Danilo Perez,” ERICK PALACIOS RUIZ, a/k/a “Cara de Malo,” “Erick Torres,” and “Guanako Ruiz,” RONALD HERRERA CONTRERAS, a/k/a “Espeedy,” “Speedy,” “Joster Hrmdz,” and “Chucho,” and JOSUE VIGIL MEJIA, a/k/a “Horror” and “Jose Vigil,” did knowingly and intentionally combine, conspire, confederate, and agree with each other, and with others, known and unknown, to unlawfully and willfully seize, inveigle, decoy, kidnap, abduct, and carry away and hold for ransom, reward, and otherwise E.E.E.M., and did use facilities and instrumentalities of interstate commerce in furtherance of the commission of the offense, in violation of Title 18, United States Code, Section 1201(a)(1).

MANNER AND MEANS OF THE CONSPIRACY

The purpose of the conspiracy was to adhere to MS-13’s rule of attacking and killing individuals who are identified as being rival gang members. The manner and means by which the conspirators conducted the conspiracy included the following:

1. It was part of the conspiracy that conspirators, who were members and associates of MS-13, identified E.E.E.M. as a member of the rival 18th Street gang.

2. It was further part of the conspiracy that conspirators lured E.E.E.M. to a park in Fairfax County in order to attack and kill him.

3. It was further part of the conspiracy that after kidnapping and murdering E.E.E.M., the conspirators took steps to destroy evidence and conceal their crime in order to avoid apprehension.

OVERT ACTS

In furtherance of the conspiracy and to effect the object thereof, the defendants and their co-conspirators performed the following overt acts in the Eastern District of Virginia and elsewhere:

1. On or about August 16, 2016, JOSUE VIGIL MEJIA made inquiries about photographs posted by E.E.E.M. on his Facebook page.
2. On or about August 16, 2016, JOSUE VIGIL MEJIA obtained a photograph of E.E.E.M.'s Facebook profile followed by a photograph of a masked individual dressed in all black with three 6s around his head.
3. On or about August 28, 2016, ELMER ZELAYA MARTINEZ, JOSUE VIGIL MEJIA, and other co-conspirators planned to murder E.E.E.M. because they believed he was a rival gang member who intended to infiltrate the MS-13 gang.
4. On or about August 28, 2016, JOSUE VIGIL MEJIA and RONALD HERRERA CONTRERAS communicated via Facebook Messenger about the plan to murder E.E.E.M. later that day.
5. On or about August 28, 2016, ERICK PALACIOS RUIZ communicated with E.E.E.M. via Facebook Messenger and lured E.E.E.M. to Holmes Run Stream Valley Park in Fairfax County, Virginia, under the pretense that there was going to be a gang meeting.
6. On or about August 28, 2016, in Holmes Run Stream Valley Park in Fairfax County, Virginia, ELMER ZELAYA MARTINEZ, ERICK PALACIOS RUIZ, RONALD

HERRERA CONTRERAS, JOSUE VIGIL MEJIA, and co-conspirators held, attacked, and murdered E.E.E.M. because they believed E.E.E.M. was a rival gang member who intended to infiltrate the MS-13 gang.

7. On or about August 28, 2016, in Holmes Run Stream Valley Park in Fairfax County, Virginia, ELMER ZELAYA MARTINEZ, ERICK PALACIOS RUIZ, RONALD HERRERA CONTRERAS, JOSUE VIGIL MEJIA, and co-conspirators buried E.E.E.M.'s remains in the ground in order to hide evidence linking them to E.E.E.M.'s disappearance and murder.

(In violation of Title 18, United States Code, Section 1201(c).)

COUNT THREE

(Conspiracy to Commit Kidnapping)

THE GRAND JURY FURTHER CHARGES THAT:

The GENERAL ALLEGATIONS of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

In and around September 2016, in Fairfax County, Virginia, within the Eastern District of Virginia, and elsewhere, defendants ELMER ZELAYA MARTINEZ, a/k/a “Killer,” “Morenito Martinez,” and “Danilo Perez,” ERICK PALACIOS RUIZ, a/k/a “Cara de Malo,” “Erick Torres,” and “Guanako Ruiz,” RONALD HERRERA CONTRERAS, a/k/a “Espeedy,” “Speedy,” “Joster Hrndz,” and “Chucho,” HENRY ZELAYA MARTINEZ, a/k/a “Certero” and “El Kakarra,” OSCAR CONTRERAS AGUILAR, a/k/a “Oscar Contreras” and “Atrevido,” YONATHAN MELGAR MARTINEZ, a/k/a “Oso” and “Viejo Oso,” PABLO MIGUEL BARRERA VELASCO, a/k/a “Oscuro,” ANDERSON VILLATORO, a/k/a “Enterrador,” FRANCISCO AVILA AVALOS, a/k/a “Picador” and “Punche,” and FREDYS BAIRE ABARCA, a/k/a “Fredys Baires,” “Fredys D. Baires,” “Lil Clandestino,” and “Lil Trucha,” did knowingly and intentionally combine, conspire, confederate, and agree with each other, and with others, known and unknown, to unlawfully and willfully seize, inveigle, decoy, kidnap, abduct, and carry away and hold for ransom, reward, and otherwise S.A.A.T., and did use facilities and instrumentalities of interstate commerce in furtherance of the commission of the offense, in violation of Title 18, United States Code, Section 1201(a)(1).

MANNER AND MEANS OF THE CONSPIRACY

The purpose of the conspiracy was to adhere to MS-13's rule of attacking and killing individuals who are believed to be cooperating with law enforcement authorities. The manner and means by which the conspirators conducted the conspiracy included the following:

1. It was part of the conspiracy that conspirators, who were members and associates of MS-13, identified S.A.A.T. as an individual who they believed was cooperating with law enforcement.
2. It was further part of the conspiracy that conspirators lured S.A.A.T. to a park in Fairfax County, Virginia in order to attack and kill him.
3. It was further part of the conspiracy that after kidnapping and murdering S.A.A.T., the conspirators took steps to destroy evidence and conceal their crime in order to avoid apprehension.

OVERT ACTS

In furtherance of the conspiracy and to effect the object thereof, the defendants and their co-conspirators performed the following overt acts in the Eastern District of Virginia and elsewhere:

1. On or about September 26, 2016, ELMER ZELAYA MARTINEZ, ERICK PALACIOS RUIZ, RONALD HERRERA CONTRERAS, HENRY ZELAYA MARTINEZ, YONATHAN MELGAR MARTINEZ, PABLO MIGUEL BARRERA VELASCO, ANDERSON VILLATORO, FRANCISCO AVILA AVALOS, and other co-conspirators planned to murder S.A.A.T. because they believed he was cooperating with law enforcement.
2. On or about September 26, 2016, after having been advised by a high-ranking MS-13 gang member of a planned murder in Virginia, OSCAR CONTRERAS AGUILAR

instructed FREDYS BAIRE ABARCA and another co-conspirator to travel to Virginia and meet with ELMER ZELAYA MARTINEZ and HENRY ZELAYA MARTINEZ so that FREDYS BAIRE ABARCA and the other co-conspirator could participate in the murder of an individual believed to be cooperating with law enforcement.

3. On or about September 26, 2016, FREDYS BAIRE ABARCA and another co-conspirator traveled from Maryland to the Eastern District of Virginia for the purpose of participating in the murder of S.A.A.T.

4. On or about September 26, 2016, ELMER ZELAYA MARTINEZ and ERICK PALACIOS RUIZ communicated with S.A.A.T. via Facebook Messenger and lured S.A.A.T. to Holmes Run Stream Valley Park in Fairfax County, Virginia, under the pretense that there was going to be a gang meeting.

5. On or about September 26, 2016, in Holmes Run Stream Valley Park in Fairfax County, Virginia, ELMER ZELAYA MARTINEZ, ERICK PALACIOS RUIZ, RONALD HERRERA CONTRERAS, HENRY ZELAYA MARTINEZ, YONATHAN MELGAR MARTINEZ, PABLO MIGUEL BARRERA VELASCO, ANDERSON VILLATORO, FRANCISCO AVILA AVALOS, FREDYS BAIRE ABARCA, and co-conspirators held, attacked, and murdered S.A.A.T. because they believed S.A.A.T. was cooperating with law enforcement.

6. On or about September 26, 2016, in Holmes Run Stream Valley Park in Fairfax County, Virginia, ELMER ZELAYA MARTINEZ, ERICK PALACIOS RUIZ, RONALD HERRERA CONTRERAS, HENRY ZELAYA MARTINEZ, YONATHAN MELGAR MARTINEZ, PABLO MIGUEL BARRERA VELASCO, ANDERSON VILLATORO, FRANCISCO AVILA AVALOS, FREDYS BAIRE ABARCA, and co-conspirators buried

S.A.A.T.'s remains in the ground in order to hide evidence linking them to S.A.A.T.'s disappearance and murder.

7. On or about September 27, 2016, ELMER ZELAYA MARTINEZ and ANDERSON VILLATORO removed S.A.A.T. as a Facebook friend from their respective Facebook accounts in order to conceal their involvement in S.A.A.T.'s disappearance and murder.

8. On or about September 27, 2016, ERICK PALACIOS RUIZ blocked a Facebook account belonging to S.A.A.T. from one of his Facebook accounts in order to conceal his involvement in S.A.A.T.'s disappearance and murder.

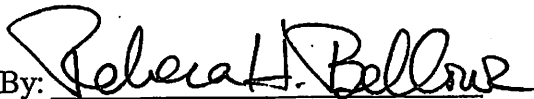
(In violation of Title 18, United States Code, Section 1201(c).)

A TRUE BILL

Pursuant to the E-Government Act, the original of this page has been filed under seal in the Clerk's Office.

FOREPERSON

Tracy Doherty-McCormick
Acting United States Attorney

By: 

Rebeca H. Bellows
J. Tyler McGaughey
Assistant United States Attorneys